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ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

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P 750175-0313

November 13, 1975

P B6

Honorable Edward M. Kennedy
United States Senate
Washington, D. C. 20510

Dear Senator Kennedy:

Thank you for your communication of November 4,
transmitting a letter to you from
who is concerned about Miss Olga Talamante, an American citizen imprisoned in Argentina. B6

Miss Talamante was apprehended by the Argentine police on November 10, 1974, in the city of Azul, which is about 170 miles south of Buenos Aires. According to our information, she was arrested along with 12 others when the police raided a house in Azul. Found in the house at the time of the raid, according to police authorities, were a small number of weapons and various materials described as being subversive in nature, including tape recordings giving instructions on guerrilla warfare, pamphlets on the same subject, mimeograph machines, etc.

We understand that upon her detention Miss Talamante did not request the American Embassy's intervention on her behalf. It was not until November 25 that the Embassy was advised of her detention by the Department of State, which had learned of it through Miss Talamante's friends in California. The Embassy thereupon took steps to see her and to establish contact with the judicial authorities in charge of her case. The Embassy contacted the Argentine authorities in Azul by telephone to assure them that they were aware of our interest in Miss Talamante's case. The authorities assured our Embassy that there was no problem in having consular access to Miss Talamante.

When the Consular Officer saw Miss Talamante on December 4, she informed him she had complained to the Argentine

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authorities of mistreatment by the Argentine police following her detention. At the time of the consular visit, Miss Talamante appeared in good health and spirits, and apparently had no complaint with the conditions of her detention at that time. The Embassy reported that as a result of Miss Talamante's complaint the judge having charge of the case ordered an investigation, including an examination of Miss Talamante by a doctor. The judge informed our Embassy that the results of this investigation neither confirmed nor disproved mistreatment. We have formally indicated our concern to the Argentine Government over this and other aspects of the case and requested the Argentine authorities to investigate the matter further. Furthermore, we have formally called the attention of the Argentine Government to its obligations under Article 36 of the Vienna Convention on Consular Relations, to which both the United States and Argentina are parties.

On December 14, U.S. Consular Officers chartered a plane to fly to Azul and again visited Miss Talamante. They were accompanied by Dr. Harry Yeatts, a U.S. citizen physician resident in Buenos Aires. Miss Talamante told the Consular Officers that she had no complaints. She said she was quartered in a large room with five other girls and that food was plentiful and adequate in quality. Our Embassy reported that she was permitted to send and receive mail and knew she had access to the Embassy by phone through the judge's secretary.

The American physician who examined Miss Talamante on December 14 found her in good health. He and an Argentine physician, who participated in the examination, were unable to find any marks of mistreatment on her.

On December 31, 1974, the presiding judge in the case found that there was sufficient incriminating evidence of violation of Articles 1 and 2 of the Argentine anti-subversion law (Law 20.840) to warrant the continued detention of Miss Talamante and others arrested with her until the case is adjudicated by the courts. In making this decision, the judge considered police evidence as well as a deposition signed and submitted to him by Miss Talamante.

Once the formal charges were filed the defense lawyer, Dr. Abraham Perez of Azul, prepared the defense position and forwarded it in writing to the presiding judge.

On September 17, the judge found Miss Talamante and her co-defendants guilty as charged and sentenced her to three years' imprisonment. Several days thereafter she initiated through her defense attorney procedures to appeal the verdict. Subsequent to that she dismissed her attorney.

U.S. Consular Officers have visited Miss Talamante on thirteen separate occasions since her arrest. On October 13, the last such occasion, the Consul General was accompanied by the Deputy Chief of Mission. These officials met with the original presiding judge in the case, Miss Talamante's former defense attorney, and with Miss Talamante in order to clarify the precise legal status of her case at this time and her desires. I am enclosing the text of their report which I hope will be useful to you.

In essence, our officers learned that Miss Talamante has, in fact, decided to press forward with the appeal of the judge's verdict, together with her co-defendants in the case. She fully understands that this decision will make it impossible for her to depart from Argentina until a decision on the appeal is handed down.

We have discussed Miss Talamante's case on several occasions recently with senior Argentine officials, both here and in Buenos Aires. It is our understanding that they too are eager to bring her case to an expeditious conclusion by returning her to the United States. However, until the appeal decision is handed down, no executive action can be taken. Ambassador Hill has taken steps in Buenos Aires to attempt to speed the appeal process.

Our Embassy in Buenos Aires will continue to follow Miss Talamante's case closely and to do all in its power to bring about her release from detention in Argentina at the earliest possible time.

I hope the foregoing is useful to you. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

GW

Robert J. McCloskey
Assistant Secretary for
Congressional Relations

Enclosures:

1. Correspondence returned
2. Status Report on Case

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